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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,392	03/19/2001	Kenneth H. Crain	108292.00006	3369

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EXAMINER

NGUYEN, CAO H

ART UNIT

PAPER NUMBER

2173

3

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/812,392

Applicant(s)

CRAIN ET AL.

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because of the phrase "Disclosed is a system" should be changed to "A method and apparatus". Correction is required. See MPEP

§ 608.01(b).

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The disclosure is objected to because of the following informalities: On page 1, of the Specification the US Patent Application Serial No. should be provided. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine (US Patent No. 6,385,590 B1) in view of Khan US Patent No. 6,546,393 B1).

Regarding claim 1, Levine discloses a system that enables the reconstruction of user-viewable visual stimuli observed through a browser-based interface comprising: a processing platform for executing code capable of reconstructing a user-viewable stimuli (see col. 2, lines 18-59; however, Levine fails to explicitly teach a storage platform for storing at least one user-viewed visual stimuli, the storage platform coupled to the processing platform.

Khan teaches teach a storage platform for storing at least one user-viewed visual stimuli, the storage platform coupled to the processing platform (see col. 11, lines 30-61). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide teach a storage platform for storing at least one user-viewed visual stimuli, the storage platform coupled to the processing platform as taught by Khan to the system of analyzing a stimulus of Levine in order to determine the effectiveness of stimuli using the Internet for evaluating or reconstructing stimuli and their effect on respondents.

Regarding claim 2, Khan discloses further comprising a user interaction device coupled to the processing platform (see col. 7, lines 9-67).

Regarding claim 3, Levine discloses wherein the processing platform executes code capable of reconstructing a user-viewable stimuli, by receiving a selection of content for reconstruction; retrieving data; calculating what to display; and reconstructing a display (see col. 4, lines 21-65).

Regarding claim 4, Khan discloses further comprising a browser coupled to the processing platform (see figures 11-14).

Regarding claim 5, Khan discloses further comprising a browser interface coupled to the server (see figures 19-21).

Regarding claim 6, Levine discloses further comprising a network coupled to the processing platform (see figures 1-2).

Regarding claim 7, Levine discloses wherein the storage platform comprises a visual stimuli algorithm (see col. 8, lines 1-8).

Regarding claim 8, Khan discloses wherein the system is maintained in a Person Digital Assistant (PDA) (see col. 18, lines 8-61).

Regarding claim 9, Levine discloses wherein the network is the internet (see figures 1-2).

Regarding claim 10, Levine discloses comprising a host computer coupled to the

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network, the host computer for communicating with the processing platform (see col. 8, lines 41-67).

Regarding claims 11-13, Khan discloses further comprising an eye tracking device coupled to the processing platform (see figures 9-14).

Regarding claim 14, Khan discloses wherein the network is a wireless network (see figure 1).

As claims 15-20 are analyzed as previously discussed with respect to claims 1-14 above.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

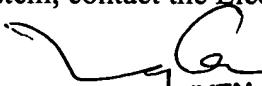
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is 703-305-3972.

The examiner can normally be reached on M-F: 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 703-308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**CAO (KEVIN NGUYEN)**  
**PRIMARY EXAMINER**

04/30/04